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NEW YORK LAW INSTITUTE.

IN MEMORIAM, MICHAEL H. CARDOZO.

1851-1906.

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In Memoriam

Michael H. Cardozo

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From the Annual Report of William H. Winters, as Librarian of the New York Law Institute of May 24, 1907 : : : :

The Law Institute meets under changed conditions to-day, and we no longer, as in recent years, are inspired by the interesting face, the charming personality, the kind sympathetic influence and the intellectual skill and force of Michael H. Cardozo.

With due regards to my last words with him, I feel this is not the time and place to fitly and fully comment on the character and value of the services, he so freely and cheerfully gave to the Institute from the time he entered its Executive Council until the hour of his death.

It is sufficient to know that opportunity to recall such services, their character and value, will not be wanting and that what he said and counseled and above all what he accomplished in this room and elsewhere for the lasting welfare and success of the library will not be forgotten. In the words of Cicero—*Magnum opus omnino et arduum conamur; sed nihil difficile amanti puto.*

There stands in your books the record of services of others in behalf of the library of more than seventy years before he came to our help; but the record mirrors no one so helpful as our

departed friend, and I risk nothing in predicting that his like or equal in library work as spokesman, adviser, as patient, laborious, cautious, judicious and unselfish friend—wise both in thought and in action—will not be ours again. We shall not come to Shiloh and the sceptre and ruler's staff of the beloved and invincible one shall not depart. The silver cord is loosened, the golden bowl is broken, and this Library, its books, its rooms and associations can never again, most certainly to me, and perhaps to others, be the same.

It is reported that when Lord Chatham died, there were two in Parliament who opposed the resolution of respect and voted against attending his funeral in the Abbey—the one was the Archbishop of Canterbury, who owed his tiara to Chatham's favor, the other a lord who was accustomed to wait in the lobby daily to help him on with his great coat.

Our Cardozo of the smiling face and winning ways left no such friends.

It was my experience to have the inquiry made to me by a young man, a son of an old and prominent lawyer, and who has since been promoted to a judicial position, as to why we kept in our rooms a portrait bust of James T. Brady, as it was his impression and belief that Brady, although a clever and popular politician, lecturer and after-dinner speaker, *was never a lawyer.*

Such is the marvelous frailty of a lawyer's fame, and no one recognized this fact with more

keenness, quiet amusement and contentment than our lost friend; and he once said to me pleasantly in his office in reference to library work, which had occasioned to him the loss or sacrifice of many hours in discussion of plans to secure for the Law Institute a building and to the library a valuable and complete set of Columbia laws in connection with Panama Canal affairs. "It is idle to selfishly aim at to-morrow. It matters not in a personal way what we accomplish for the library, Mr. Winters—we both will be forgotten as to such work as soon as we are put to our final rest."

And yet in the years of conversation with hundreds of members of the bar—conversations in which my intense love and admiration of Cardozo was always, sooner or later, forcing him to be, especially to me, a never failing interesting topic of discussion—I never once mentioned his name to anyone, who did not know him, or who failed to speak enthusiastically in his praise.

It was an exquisite pleasure to realize and know that these men, one and all, had never flattered him; for the flatterer always fails to praise when the face is turned.

Of Cardozo many anecdotes could be told illustrating his gentle qualities, his manly virtues, the modesty and unselfishness peculiarly his own, the confidence and affection he inspired, and above all to me the most surprising trait, and which I witnessed in trying situations—his perfect fearlessness.

The first time I saw him in the trial of one of his law cases, my attention was attracted to what seemed to me a novel and peculiar condition—as ever now and then, with look and manner of one accepting a favor, he would write orders and draw books from our library as a member, *at the request and for the use of his opponent.* For here was a man—with a bitter fight on—supplying his crippled enemy with the ammunition of war and paying for the privilege. Evidently Lord Byron, describing Sheridan as a rare genius and magician, who could charm even a lawyer, and soften his heart, had never met at the London bar, and closely studied an English prototype of Cardozo.

A short time before his death, the entire bar of his native city passed judgment on him as man and citizen and on his professional work, and it will stand for all time as the final human judgment on his whole life's record, and as a most precious legacy to his children.

I remember well his amused expression when I was relating that in a talk with Judge Patterson—the judge had said that he (Cardozo) was a good lawyer and I advised him to enter the saying at once in his Index book of "Judicial Opinions." With the quick wit in which he had few equals he asked me "Well, did *you* agree with the court?" I answered: "As things stood then—yes. For old times sake I would have agreed with Judge Patterson in anything; but if I had been a member of the court and under responsibility, who knows, I *might* have written a power-

ful dissenting opinion."

A wonderful tribute to his integrity, ability and popularity was awarded him, as I have said, only a few weeks before his sudden death.

A Committee* composed of the most eminent men and selected as representatives of the bar of New York City placed him, as their first choice, in nomination for a Supreme Court judgeship.

No such honor has fallen to any other lawyer within the memory of this generation.

It was a unique honor, unsolicited and unexpected, which only a Cardozo, an O'Conor or a Hughes record could achieve.

I spoke of him once in this room and to his face as the Sir Philip Sidney of our bar.

That I had the courage and unselfishness to voice my truthful convictions and within the range of his hearing, is strength and consolation now, when justice and gratitude to the unlistening and unheeding dead are uppermost in my thoughts of him who was the prophet's dream—the man more precious than fine gold, and who lingers in one's memory like the American beauty rose, ever fresh, fragrant, inspiring and lovely.

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*Of this Committee were: John M. Bowers, Arthur von Briesen, Charles F. Brown, John L. Cadwalader, Joseph H. Choate, William G. Choate, William N. Cohen, Robert W. DeForest, John F. Dillon, Benjamin F. Einstein, Austen G. Fox, Paul Fuller, William D. Guthrie, William B. Hornblower, Charles E. Hughes, Adrian H. Joline, Joseph Larocque, Wallace Macfarlane, David McClure, James McKeen, John G. Milburn, John McLean Nash, Hamilton Odell, Alton B. Parker, John E. Parsons. Eugene A. Philbin, Harrington Putnam, George L. Rives, Elihu Root, James R. Sheffield, Edward M. Shepard, Henry W. Taft, Leopold Wallach, John Dewitt Warner and Edmund Wetmore.

In a cold, selfish and swift-whirling world, it must have been an angelic nature—the semblance perhaps of the most lovable, the most charming specimen of the cultured gentleman that God perfected to bless mankind—to obtrude itself in the pressure of busy hours of the day, in pure, holy, serious thoughts of even-time and in memory-colored dreams of the night.

Such a nature, despite his rough struggles with fortune and his pathetic hidden grief, all will say, was Cardozo's.

May sunlight and starlight, now and forever, shine sweetly and softly on his grave.